

Notice of Allowability

Application No.

10/685,329

Examiner

Brian P. Egan

Applicant(s)

JANSSEN ET AL.

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Application filed 10/14/03.
2. ☒ The allowed claim(s) is/are 1-7 and 9-24.
3. ☒ The drawings filed on 14 October 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date filed 10/14/03
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

NOTICE OF ALLOWANCE

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Scott Bardell on April 15, 2004.

The application has been amended as follows:

IN THE SPECIFICATION:

-Page 1, line 13, insert the phrase -- now abandoned, -- after the phrase "June 27, 2000,".

IN THE CLAIMS:

CLAIM 1:

-Line 16, insert the phrase -- or reverse staircase -- after the phrase "having a staircase".

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CLAIM 17:

-Line 17, insert the phrase -- or reverse staircase -- after the phrase "having a staircase".

CLAIM 21:

-Line 1, delete the symbol “;” after “window”.

-Line 1, insert the symbol -- . -- after “window”.

Reason's for Allowance

2. The following is an examiner's statement of reasons for allowance:

First, the Examiner notes that equivalent claims to the presently claimed invention were allowed in Application # 09/604,475 – the aforementioned action has been abandoned, however, for failure to timely pay the issuance fee.

Second, as noted in the *Reason's for Allowance* in the '475 Application, the Applicant's invention as claimed, i.e., an article comprising a stack of sheets with a specified visual acuity wherein each sheet is stacked upon another sheet in a vertically staggered staircase arrangement wherein the vertically staggered side edge includes at least one indexing surface and wherein a bonding layer of each sheet extends to the vertically staggered side edge, is neither anticipated nor fairly suggested by the prior art of record.

The closest prior art of record is Janssen et al. (WO 00/24575). Janssen et al. teach an article comprising a stack of transparent sheets with the same visual acuity and material composition as claimed by the applicants. Janssen et al. fail, however, to teach the side edges of the sheets arranged in a vertically staggered pattern wherein each sheet has an indexing surface and wherein the bonding layer of each sheet extends to the vertically staggered side edge. The cited secondary references of record fail to alleviate these deficiencies. As noted by the

Applicant in the '475 Application (paper no. 13), a staircase configuration is defined as a stack of sheets that become progressively smaller moving up the stack of sheets from the bottom sheet (and a reverse staircase configuration likewise becomes progressively larger moving up the stack of sheets from the bottom sheet). Thus, it would not have been obvious to both change the size of each individual sheet and then rearrange the stack of sheets such that a staircase arrangement (as viewed in Fig. 1 of the Applicant's specification) exists. Furthermore, although the cited secondary references (i.e., Weder (#5,792,535) and Harris, II et al. (#4,161,176)) teach staggered side edges, the aforementioned references teach away from extending adhesive to the vertically staggered side edge and instead teach the use of adhesive-free tab regions to facilitate easy removal of subsequent sheets. The Applicant's instead teach the use of adhesive extending to the edge to prevent such easy removal and teach the use of the indexing surface to promote the use of a blade or pick to remove each subsequent layer (such that vandals cannot easily remove sheets from the substrate).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian P. Egan whose telephone number is 571-272-1491. The examiner can normally be reached on M-F, 8:30-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Y. Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

B. Pyon
BPE 4/15/04

Harold Pyon
HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772

4/15/04